

REMARKS

In view of the foregoing amendments and following remarks, consideration of the present application after final is respectfully requested. Applicants submit herewith a request for a one-month extension of time with the applicable fee.

Rejection Under 35 USC 102(b)

Claim 34 of the present application stands rejected under 35 USC 102(b) as being anticipated by Herst, et al. (US 4,573,111). Claim 34 recites a method for producing direct and indirect lighting from an active light source having top and bottom surface portions with relatively high surface brightness. The method recited in Claim 34 is comprised of two steps:

1. Producing up light for indirect lighting directly from the top surface portion of the light source, and
2. Producing down light for direct lighting through a brightness reduction cover element positioned below and in proximity to the bottom surface portion of the light source.

Claim 34 additionally contains the limitation that the brightness reduction cover element is sized and shaped to surround the bottom surface portion of the light source, so as to simulate a relatively low brightness light source having a larger surface area of the active high output light source.

Herst, et al. does not disclose a direct/indirect lighting feature wherein up light for indirect lighting is produced directly from the top surface of the light source, while at the same time down light is produced for down lighting through a brightness reduction cover element positioned below and in proximity to the bottom surface of the light source. In Herst, et al.,

either up light is produced in the case of the direct lighting fixture, or down light is produced in the case of the direct lighting fixture, but not both within the same fixture. The examiner argues that in the embodiment illustrated in Fig. 1 of Herst, et al., up light is produced directly from the top surface of the light source (15) because the light is directly emitted from the top surface of the light source. It is true that light source (15) shown in Fig. 1 of Herst, et al. has a top surface and that light is emitted from this top surface. However, light is not emitted from this top surface for indirect lighting, as required by Claim 34. Rather, the light emitted from the top surface of the light source (15) is reflected by reflector (26) down through lamp (17) to contribute to the fixture's down light.

It is again noted that Claim 34 recites the steps of producing up light for indirect lighting from the top surface portion of the light source and producing down light for direct lighting through a brightness reduction cover element positioned below and in proximity to the bottom surface of the light source. It is noted that "direct lighting" and "indirect lighting" are industry-recognized terms. "Indirect lighting" means there is an upward distribution of light from the fixture, whereas "direct lighting" means there is a downward distribution of light from the fixture. A lighting fixture can produce a combination of both direct lighting and indirect lighting. To assist the examiner in respect to these definitions, applicants submit herewith pages from two different editions of a handbook published by the Illuminating Engineering Society which define direct and indirect lighting.

To clarify Claim 34, Claim 34 has been amended to recite that the brightness reduction cover element is positioned so that up light from the top surface portion of the light source is not affected by the brightness reduction cover element. In other words, light emitted from the top

surface portion of the light source is not reflected back down through the bottom opening of the fixture for producing direct lighting, but rather produces indirect lighting.

Applicants respectfully request that the foregoing claim amendment be entered after final, and that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

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